

**REMARKS**

Claims 1, 34, 37, and 67 were rejected. Claims 2-33, 35, 36, and 38-66 were objected to. Claims 2, 6, 10, 13, 26, 35, 38, and 67 have been amended; and claims 1, 34, and 37 have been canceled. Claims 1-33, 35, 36, and 38-67 remain pending. Applicants request reconsideration of the pending claims.

As noted above, claims 2-33, 35, 36, and 38-66 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

Claims 2, 6, 10, 13, and 26 have been amended as independent claims to include the limitations of claim 1. Note, however, that the “wherein the area in the yield to area ratio corresponds to the area of the entire variant design element” limitation, which had been added in the prior Amendment, was removed because these dependent claims were found to be allowable without this limitation being in claim 1 in the first Office Action.

Claim 35 has been amended as an independent claim to include the limitations of claims 1 and 34. Note, however, that the “wherein the area in the yield to area ratio corresponds to the area of the entire variant design element” limitation, which had been added in the prior Amendment, was removed because claim 35 was found to be allowable without this limitation being in claim 1 in the first Office Action.

Claim 38 has been amended as an independent claim to include the limitations of claim 37. Note, however, that the “wherein the area in the yield to area ratio corresponds to the area of the entire variant design element” limitation, which had been added in the prior Amendment, was removed because claim 35 was found to be allowable without this limitation being in claim 37 in the first Office Action.

Claim 67 has been amended to include limitations similar to claim 13, which the Examiner indicated as being allowable. Note, however, that the “wherein the area in the yield to area ratio

corresponds to the area of the entire variant design element" limitation, which had been added in the prior Amendment, was removed.

As the claims have been amended in a manner to place them in a condition to be allowed, Applicants request entry of this amendment and allowance of these claims.

**Conclusion**

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 524322000200. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: September 17, 2008

Respectfully submitted,

By /Peter J. Yim/

Peter J. Yim

Registration No.: 44,417

MORRISON & FOERSTER LLP

425 Market Street

San Francisco, California 94105-2482

(415) 268-6373